

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE: AAM HOLDING CORP., et al.	:	23 Misc. 103 (LGS)
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	:	<u>ORDER</u>
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LORNA G. SCHOFIELD, District Judge:

WHEREAS, on March 8, 2024, Applicant U.S. Equal Employment Opportunity Commission (“EEOC”) filed a petition to enforce an administrative subpoena *deuces tecum* against Respondents AAM Holding Corp. and 59 Murray Street Enterprises, Inc.

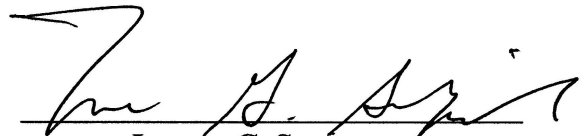
WHEREAS, “[t]he courts’ role in a proceeding to enforce an administrative subpoena is extremely limited.” *Consumer Fin. Prot. Bureau v. L. Offs. of Crystal Moroney, P.C.*, 63 F.4th 174, 185 (2d Cir. 2023). “To win judicial enforcement of an administrative subpoena, an agency must show [1] that the investigation will be conducted pursuant to a legitimate purpose, [2] that the inquiry may be relevant to the purpose, [3] that the information sought is not already within the agency's possession, and [4] that the administrative steps required have been followed.” *Id.* “It is the respondent's burden to show that an agency subpoena is unreasonable -- a burden that is not easily met.” *Id.*

WHEREAS, despite Respondents’ high burden, they must be given the opportunity to respond and “demonstrate[] that the subpoena is unreasonable or that compliance would be unnecessarily burdensome.” *E.E.O.C. v. United Parcel Serv., Inc.*, 587 F.3d 136, 139 (2d Cir. 2009). It is hereby

ORDERED that by **March 22, 2024**, the EEOC shall serve Respondents with (1) the papers in support of the application and (2) this Order, and shall file proof of service on the docket. It is further

ORDERED that responsive papers, not to exceed fifteen (15) pages, are due by **April 1, 2024**. The EEOC may file a reply, not to exceed eight (8) pages, by **April 8, 2024**. All filings shall comply with the Court's Individual Rules.

Dated: March 12, 2024
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE